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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,152	03/27/2001	Craig A. Paulsen	IGT1P026/P-256	2667

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EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/819,152	PAULSEN, CRAIG A.	
	Examiner	Art Unit	
	Scott E. Jones	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-59 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-15, 30-44, and 50-59 in Paper No. 5 is acknowledged.

Specification

2. The disclosure is objected to because, on page 25, line 18, it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

3. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-15, and 30-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 1, 3, 4, 15, 30, and 44 are improper Markush-type claims rendering the claims indefinite. In Claim 4, for instance, the claim language, "wherein the particular event comprises a food purchase, an entertainment purchase, a lodging purchase, a merchandise purchase, a

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transportation purchase or a game play.” is improper. The examiner suggests the following claim language for Claim 4:

- “wherein the particular event is selected from the group consisting of a food purchase, an entertainment purchase, a lodging purchase, a merchandise purchase, a transportation purchase and a game play.”; or
- “wherein the particular event is a food purchase, an entertainment purchase, a lodging purchase, a merchandise purchase, a transportation purchase or a game play.”

Please see MPEP § 2173.05(h). Claims 2-15 inherit the deficiencies of Claim 1 by dependency.

Claims 31-44 inherit the deficiencies of Claim 30 dependency.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

8. Claims 1-15, 30-44, and 55-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (Walker) (U.S. 6,110,041).

Walker discloses a method and system for adapting gaming devices to a player's playing preferences. In particular, a gaming machine is networked to a central server which receives preference data from a player and configures the gaming machine to match the received preference data. The player inserts an electronic player tracking card (or other “biometric” data is

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used) to authenticate that a particular player is on a machine by transmitting data to a central server. Once this data is authenticated the central server programs or configures the gaming machine to the player's preferences. Walker additionally discloses:

Regarding Claims 1, 30, 38, 40, 42, 44, 55, 56, and 58:

- a master gaming controller (slot machine controller (310)) is configured to control one or more games played on the gaming machine and to request preference account information from a remote server (central server) (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, Column 7, line 47-Column 8, line 6, and Figures 1-11B); and
- a memory configured to store gaming software that allows the master gaming controller to request one or more different portions of the preference account information from the remote server (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B);
- the preference account information comprises preferred gaming machine settings (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B).

Regarding Claims 2, 38, and 39:

- two different portions of the preference account information are requested on the remote server (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B).

Regarding Claims 3, 6, 30, 31, 34, and 57:

- the loyalty point account information comprises an amount of loyalty points rewarded during a particular event (Column 5, lines 42-60).

Regarding Claims 4, and 32:

- the particular event comprises a game play (Column 5, lines 42-60).

Regarding Claims 5, and 33:

- the loyalty account settings are selected based on a name or address (Figure 4).

Regarding Claims 7, and 35:

- the preferred game is a slot machine (Column 3, lines 61-64).

Regarding Claims 8, 9, 36, and 37:

- the preferred gaming features and settings are game presentation speed or game audio features (Column 5, lines 1-5).

Regarding Claims 10, 11, and 43:

- biometric input device designed to receive biometric information from a player, such as, a fingerprint or retina scan (Column 6, lines 47-61).

Regarding Claims 12, 41, and 59:

- an interface (display screen (346)) designed to display preference account information (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, Column 7, line 47-Column 8, line 6, and Figures 1-11B).

Regarding Claim 13:

- the interface is compatible with a web browser (Column 9, lines 27-35).

Regarding Claims 14, 15, and 40:

- one or more input devices designed to input preference account information, including a video touch screen, a card reader, keypad, etc. (Figures 3, and 9-11B, and Column 6, lines 39-61).

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shuster '409, Vazquez, Jr. et al '053, Wilms '424, Manz '287, Dietz, II '835, Walker et al. '163, Wain '809, Acres et al. '961, Raven et al. '361, Walker et al. '866, Schneier et al. '885, and Walker et al. '988 disclose gaming machines having player preference data and player tracking systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ
sej
November 4, 2002


S. THOMAS HUGHES
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